

IN THE HIGH COURT OF BOMBAY AT GOA, PANAJI-GOA.

CONTEMPT PETITION NO. 4 OF 2001

IN

WRIT PETITION NO. 123 OF 1995

Shri Manuel Domingo Fernandes,
resident of Patradevi,
Pernem-Goa.

.... Petitioner

Versus

Shri Ramesh Laxman Pangam,
resident of Patradevi,
Pernem-Goa.

.... Respondent

Shri Shivan Dessai, Advocate for the Petitioner.

Shri Vivek Rodrigues, Advocate for the Respondent.

CORAM : P.V. KAKADE, J.

DATE : 7th November, 2006

ORAL JUDGMENT:

This is a Contempt Petition arising out of order passed by the learned single Judge in Writ Petition No. 123 of 1995 dated 16/02/2000. The Contemnor/petitioner failed to retain the possession of the suit premises and as a result of which, was required to vacate the suit premises.

However, the learned single Judge in the Writ Petition granted time of 3 months to vacate the suit premises. However, instead of vacating the suit premises he chose to proceed further and filed L.P.A. No. 8 of 2000 which was also dismissed on merits.

2. The petitioner moved this petition on the ground that the Contemnor has disobeyed the order passed by the learned single Judge to vacate the suit premises within 3 months from the the date of the order passed in the Writ Petition and, hence, show cause notice came to be issued by this Court.

3. It was submitted on behalf of the Contemnor that no Contempt Petition could survive as there was no undertaking furnished by the Contemnor and undertaking cannot be inferred from the contents of para 8 of the order passed by the learned single Judge in the Writ Petition. However, the Contemnor himself is present in the Court and after consulting him, the learned Counsel for the Contemnor submits that if reasonable time is allowed to him to vacate the premises, he is ready to do so. In view of this position, I need not go into merits of the matter and I pass the following order:

The Contemnor shall vacate the suit premises on or before 8th January, 2007. During the same time he shall continue to pay the rent/compensation at agreed rate and also other outgoings as per the contract between the parties. The Contemnor shall execute the undertaking to this effect addressed to the Court within one week from the date of this order, failing which the petitioner shall be entitled to get the premises vacated forthwith. The undertaking to be furnished by all adult members of the Contemnor's family residing with him in the premises.

4. With this direction, the petition stands disposed of and notice stands discharged.

P.V. KAKADE, J.

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